IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 744 OF 2004

The State of Maharashtra ..Appellant
Vs.
Sou. Sujata Subhash Swami ..Respondent
(Org.Accd. No.2)

Mr. P.A. Pol, APP for appellant-State.

CORAM: B.H. MARLAPALLE, J.
Date : August 14, 2007.

P.C.:

1. This is an appeal by the State praying that (a) leave to appeal under Section 378(1) of Cr.P.C. against the order of acquittal of accused no.2 - Sujata Subhash Swami and (b) that the order of acquittal dated 16/2/2004 passed in favour of the respondent-accused no.2 by the learned 5th Adhoc Assistant Sessions Judge, Sangli in Sessions Case No.183 of 2003 be quashed and set aside.

2. In the impugned order of acquittal the trial court has referred to the depositions of PW 1 Varsha Swami and PW 2 Shivanand Swami. Accused no.2 Sujata is the married sister of accused no.1 and it was alleged that she was residing all along with accused

no.1 at village Yelavi. The trial court referred to the depositions of these two witnesses and noted that the only specific instance about the alleged harassment against accused no.2 Sujata was only to the extent that in the night prior to the date of the incident there was quarrel between the said accused no.2 and deceased Anuradha on the ground that she did not put the plate on the pot of milk and vegetables and except this incident there was absolutely no other evidence against the accused no.2 regarding ill-treatment, harassment or cruelty. PW 2 Shivanand Swami stated that accused no.2 was taunting to deceased and this was a vague allegation. It was under these circumstances that the trial court thought it fit to acquit the accused no.2.

3. The reasoning set out by the trial court does not call for reconsideration against the accused no.2 and hence leave to appeal is hereby refused. Consequently, the appeal is dismissed.

(B.H. Marlapalle,J.)